

REMARKS/ARGUMENTS

All claims that were originally filed, claims 1 through 12, remain in this Amendment B and Response.

Rejections under 35 U.S.C. §102(e)

In sections 3 and 6 of the Examiner's office action, the Examiner rejects the single independent claim, claim 1 under 35 U.S.C. §102(e) as anticipated by US Patent 6,138,123 issued to Rathbun. The Examiner states that Rathbun discloses the elements of claim 1 as recited. In particular, the Examiner refers to the Applicants' first Amendment and Response, where the Applicants stated that the Rathbun reference does not disclose "a second level having one supernode, the supernode having k number of node groups." The Examiner states that the argument has been fully considered but not found persuasive, in that "Rathbun teaches the second level supernode having k number of nodes" (see figure 33, where "supernode" is illustrated as node A, and k number of node groups illustrated as nodes B and C). The Applicants respectfully traverse. In the cited Figure 33 of Rathbun, B and C are not true nodes, but only leaves (as according to further figures illustrating use of the data structure). Accordingly, the Applicants request that the Examiner withdraw this rejection.

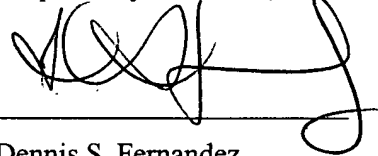
Should the Examiner find the Applicants argument unpersuasive, the Applicants would welcome further guidance by the Examiner as to any allowable subject matter in the current application. In the same vein, the Applicants request the Examiner's guidance in preparing the current application and entering the pending claims in proper format for appeal.

CONCLUSION

The Examiner office action in the current case was mailed on 11/17/2003, the period of response extending to 3 months to 2/17/2004, so no extension fee is required. The number of independent and total claims in the current amendment is unchanged, so there is no claim fee due. Should there be any fee due beyond the amount enclosed, the Examiner is authorized to charge it to the user account customer number listed below.

In view of the above, it is respectfully submitted by Applicants that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of the claims at an early date is solicited.

Respectfully submitted,



Dennis S. Fernandez

Reg. No. 34,160

Date: 2/13/04

Address: **FERNANDEZ & ASSOCIATES LLP**
Patent Attorneys
1047 El Camino Real
Menlo Park, CA 94025

Customer No: **22877**

Phone: (650) 325-4999
Fax: (650) 325-1203
Email: iploft@iploft.com